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# Fax

To: Examiner Azad                          From: Jason Rhodes  
Fax: 703-746-5728                          Date: March 15, 2004  
Phone:                                          Pages: (including cover sheet)  
Your Ref.: 09/530,719                      Our Ref.: 2565-0198P  
Re:                                                CC:

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Comments: Dear Examiner Azad:

In response to our telephone discussin on Friday, March 12, 2004, below is a brief summary of the points to be discussed during our interview on Wednesday, March 24 In connection with Application No. 09/530,719.

**Summary of Topics of Discussion:**

As to the 103 rejection, there are three claimed features that are not taught or suggested by Kondo (U.S. Patent 5,867,815) and Applicant's admitted prior art:

- (1) a decoding apparatus or method that evaluates noise level;

- (2) evaluating noise level based on a decoded gain;  
and
- (3) changing a noise level of a time series vector  
based on the evaluated noise level.

As to point (3), Kondo's level ratio control unit 65 cannot be interpreted as changing a noise level of a time series vector. Kondo teaches that this unit merely ensures that vectors are either encoded at a speech or a noise level. Kondo does not disclose changing a noise level.

I look forward to discussing these points with you.

**Jason Rhodes**

**Reg. 47,305**